



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,769	08/06/2001	Jonathan Lindo	MUSE-510	9390

7590 01/19/2005
Andrew V. Smith
Sierra Patent Group
P.O. Box 6149
Stateline, NV 89449

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,769

Applicant(s)

LINDO ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/25/02, 10/7/02, 6/28/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-103 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-103 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al. (6,029,195) (hereinafter Herz).

4. As per claim 1, Herz discloses a method for managing interests and/or communications of a client associated with a subject user among multiple users in a shared network environment for efficiently using available data transmission capabilities and/or providing to a user associated with the client efficient communications access to interesting other users and information (col 1, lines 16-41), the method comprising operations of:

establishing a connection and a context with an interactivity server over a computer network (I1, fig 1,col 34, lines 39-45);

negotiating an interest expression with the interactivity server based on information relating to the subject (col 1, lines 17-42) user and based on available bandwidth and network traffic (col 8, lines 38-47 and col 37, lines 32-34); and

enabling, based on said interest expression, transmission to the client of interesting entities (col 5, lines 6-20), and filtering of uninteresting entities (col 7,lines 63-67).

5. As per claim 2, Herz discloses the method comprising a further operation of enabling transmission to other users having an interest in the subject user information relating to the subject user (col 5, lines 21-27), and filtering transmission to other users not having an interest in the subject user said information relating to the subject user (col 7, lines 56-67).

6. As per claim 3, Herz discloses sending dynamic interest update information to the server (col 8, lines 1-3); and negotiating an updated interest expression based at least in part on said dynamic interest update information (col 7, lines 63-67 and col 8, lines 1-9), and on available

bandwidth and network traffic (col 8, lines 38-47 and col 37, lines 32-34).

7. As per claim 4, Herz discloses the method comprising a further operation of enabling, based on said updated interest expression, transmission to the client of additional interesting entities, and filtering of now uninteresting entities of said previously interesting entities based on said previous interest expression (col 7, lines 52-67).

8. As per claim 5, Herz discloses the method comprising a further operation of enabling, based on said updated interest expression, transmission to additional other users now having an interest in the subject user information relating to the subject user, and filtering transmission to other users previously having an interest in the subject user based on said previous interest expression said information relating to the subject user (col 7, lines 52-67 and col 8, lines 1-21).

9. As per claim 6, Herz discloses, the method comprising a further operation of receiving dynamic updates from or relating to said interesting entities (col 65, lines 64-67).

10. As per claim 7, Herz discloses the method comprising a further operation of receiving interesting generalized information from said uninteresting entities (col 65, lines 50-57).

11. As per claim 8, Herz discloses the method comprising a further operation of enabling, based on said interest expression, transmission to the client of now interesting entities, who were previously uninteresting, based on updated information relating to said previously uninteresting entities (relevance, col 65, lines 50-67).

12. As per claim 9, Herz discloses the method comprising a further operation of enabling, based on said interest expression, filtering of now uninteresting entities (col 67, lines 1-28), who were previously interesting, based on updated information relating to said previously interesting entities (col 65, lines 50-67).

13. As per claim 10, Herz discloses the method comprising a further operation of generating a three-dimensional viewing environment to facilitate user interfacing with said multi-user shared virtual environment (col 69, lines 45-60).

14. As per claim 11, Herz discloses the method comprising a further operation of incorporating a mark-up language object within said three-dimensional viewing environment (html and viewing plane, col 48, lines 39-44 and col 72, lines 27-64).

15. As per claim 12, Herz discloses information relating to said subject user includes a boolean expression input by said subject user (col 54, lines 8-14).

16. As per claim 13, Herz discloses information relating to said subject user includes interactions of the subject user with other users (col 54, lines 5-14).

17. As per claim 14, Herz discloses information relating to said subject user includes preferences of said subject user (true to honor, col 54, lines 5-14).

18. As per claim 15, Herz discloses information relating to said subject user includes past activities of said subject user (col 48, lines 45-57).

Art Unit: 2154

19. As per claim 16, the claim is rejected for the same reasons as claim 1, above.

20. As per claim 17, the claim is rejected for the same reasons as claim 2, above.

21. As per claim 18, Herz discloses the method comprising a further operation of selecting another client as said host (T1-Tn, fig 1, col 79, lines 28-33 and col 80, lines 57-65).

22. As per claim 19, Herz discloses the method comprising a further operation of selecting another client as said host (T1-Tn, fig 1, col 79, lines 28-33 and col 80, lines 57-65).

23. As per claim 20, the claim is rejected for the same reasons as claim 6, above.

24. As per claim 21, the claim is rejected for the same reasons as claim 6, above.

25. As per claims 22-51, claims are rejected for the same reasons as claims 1-15, above.

26. As per claims 52-57, claims are rejected for same reasons as claims 16-21, above.

58. As per claim 58, the claim is rejected for the same reasons as claim 1, above. In addition, Herz discloses permitting (col 52, lines 35-44).

27. As per claim 59-72, claims are rejected for the same reasons as claims 2-15, and 58, above.

28. As per claim 73-87, claims are rejected for the same reasons as claims 1-15, and 58, above.

29. As per claim 88, the claim is rejected for the same reasons as claim 1, above. In addition, Herz discloses a plurality of client computers each connected within the network, wherein said software provides instructions for at least one processor of each client computer to perform operations of (T1-Tn, fig 1, col 32, lines 65-67 and col 33, lines 1-59).

30. As per claim 89-102, claims are rejected for the same reasons as claims 2-15, above.

31. As per claim 103, the claim is rejected for the same reasons as claim 19, above.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S Patent 6,836,799 and 6,771,290 teaches tracking user profile and habits for targeted advertising.

U.S Patent 6,538,673

U.S. Patent 6,606,657

U.S. Patent 6,651,053

U.S. Patent 6,704,727

U.S. patent 5,956,027

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100